

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GEORGE CREAR,

Petitioner,

Case Number: 05-74191

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT COURT

SHIRLEE A. HARRY,

Respondent.

_____ /

**ORDER GRANTING DENYING PETITIONER’S MOTION FOR CERTIFICATE OF
APPEALABILITY**

Petitioner filed a Motion for Certificate of Appealability pursuant to 28 U.S.C. § 2253, appealing this Court’s Order (1) Adopting the Magistrate Judge’s November 19, 2008 Report and Recommendation; and (2) Denying Petitioner’s Application for a Writ of Habeas Corpus, issued April 30, 2009.

A certificate of appealability may issue under [§ 2253(c)(1)] only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Where a district court dismisses a petition on the merits, “[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Upon review of the record, the Court finds reasonable jurists could not debate whether this Court was correct in its assessment of Petitioner’s claims.

Accordingly, the Court **DENIES** Petitioner’s Motion for a Certificate of Appealability on Issues I (ineffective assistance claim), II (due process) and III (freedom to travel/equal protection

claims).

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: June 25, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on June 25, 2009.

S/Denise Goodine
Case Manager